

## REMARKS

The Office Action dated January 31, 2006 has been received and reviewed. This response is directed to that action.

Claims 1, 3 and 5 have been amended, claims 2 and 4 have been cancelled and claim 31 is new. Support for the amendments and new claim can be found on page 3, lines 16-20 of the specification. No new matter is believed to have been added.

The applicants respectfully request that the rejections to the claims and the restriction requirement be withdrawn in view of the foregoing amendments and the following remarks.

### Restriction Requirement

The Examiner issued a restriction requirement in the present claims, directed to the following groups:

Group I:       claims 1-5

Group II:       claims 11-30.

During a telephone conversation between the Examiner and the applicant's attorney, Bruce Londa, a provisional election was made with traverse to the claims of Group I. Accordingly, applicants hereby traverse the restriction.

Applicants respectfully submit that the restriction requirement is improper because the groups of claims are related to technically similar subject matter. As such, group I claims relates to a polymeric composition comprising an acrylic copolymer and a

water-soluble comonomer unit. Claims 11-30 relate to a material for use in medical or biological compositions that is solely defined by the polymeric composition of claim 1. Accordingly, because the claims share a technical commonality no undue burden is placed upon the Examiner in performing a search of the prior art concurrently dealing with the subject matter of the claims. Thus, it is the applicant's position that a contemporaneous search of the claims may be easily performed by the Examiner with sufficient scope to address and encompass the subject matter of Groups I and II.

Notwithstanding the foregoing, applicants provisionally elect the subject matter of Group I, claims 1-5 for further prosecution in the instant application.

#### Claim Objections

The Examiner objected to claims 2 and 5 for reciting the term "particularly" in the claims. Claim 2 has been cancelled and claim 5 has been amended to delete the objectionable term. Therefore, the claim objections are obviated.

#### Claim Rejections- 35 U.S.C. §102

The Examiner rejected claims 1-5 under 35 U.S.C. §102(b) as anticipated by Persinski et al. (US 3,768,565). The Examiner stated that Persinski teaches a polymer composition containing 2-acrylamido-2-methylpropane sulfonic acid in a concentration of at least 2.5 mol % and a water-soluble or insoluble comonomer. The Examiner stated that the composition taught by Persinski teaches all of the limitations of the claims of the instant invention. Applicants respectfully traverse this rejection.

As amended, the present claims now recite an acrylic copolymer composition comprising 90-99mol % of acrylonitrile and 1-10mol % of 2-acrylamido-2-methylpropane sulfonic acid. Persinski, however, does not teach a composition comprising 90-99mol % of acrylonitrile. At best, the composition of Persinski contains only 10% acrylonitrile (col. 4, lines 5-16). Accordingly, Persinski does not teach all of the limitations of the present claims, and applicants respectfully submit that a *prima facie* case of anticipation cannot be established. Therefore, applicants respectfully request that the Examiner withdraw this rejection.

The Examiner additionally rejected claims 1-5 under 35 U.S.C. §102(b) as anticipated by Neff et al. (US 6,130,303). The Examiner stated that Neff discloses an emulsion composition containing water-soluble anionic, ionic and non-ionic polymers, and a process for producing the same. Furthermore, the Examiner continued, Neff teaches polymerizing a nonionic monomer (acrylamide) with a cationic monomer to produce a cationic copolymer, which copolymer would contain 1-99 wt.% acrylamide and from about 99-1 wt% of a cationic monomer. The Examiner thus concluded that Neff teaches all of the limitations of the present claims. Applicants respectfully traverse this rejection.

The acrylic polymer disclosed in Neff includes an anionic monomer, such as 2-acryloamido-2-methylpropane sulfonic acid, a non-ionic monomer such as acrylonitrile. Additionally, Neff's polymer contains acrylamide (claim 1), as well as a branching agent such as methylenebisacrylamide or many others.(col. 4, lines 26-49 and claim1). Neff's polymer can also include a cationic monomer (col. 3, lines 31-40). Neff does not

disclose, however, an acrylic copolymer *consisting of* 90-99 mol% of acrylonitrile and 1-10 mol% of 2-acryloamido-2-methylpropane sulfonic acid, as presently claimed. There is also no suggestion in Neff to make such a copolymer. Applicants submit that Neff does not disclose all of the limitations of the present claims, and therefore, a *prima facie* case of anticipation cannot be established. Accordingly, applicants respectfully submit that the Examiner withdraw this rejection.

Based on the foregoing amendments and remarks, applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. However, if any issues remain, the resolution of which may be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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